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#### POWER OF ATTORNEY AND AUTHORIZATION OF AGENT

In accordance with the statement under 37 CFR 3.73(b) filed herewith, Illumina Inc. is the assignee of the entire interest in application for letters patent entitled: COMPOSITE ARRAYS UTILIZING MICROSPEHRES WITH A HYBRIDIZATION CHAMBER having named inventors John R. Stuelpnagel, Mark S. Chee, and Steven R. Auger. I, the undersigned individual, who is authorized to act on behalf of Illumina Inc., hereby appoint the following practitioner(s) to prosecute this application, and to transact all business in the United States Patent and Trademark Office connected therewith:

Noemi C. Espinosa, Reg. No. 31,949 John T. Murphy, Reg. No. 50,583

Please direct all correspondence to:

John T. Murphy Illumina, Inc. 9885 Towne Centre Drive San Diego, CA 92121-1975 Phone (858) 202-4711 Fax (858) 202-4599

January 28, 2004

Date

Noemi C. Espinosa

Vice President, Intellectual Property

Our Docket No.: 01-00009

#### STATEMENT UNDER 37 CFR 3.73(b)

Illumina, Inc., a corporation, states that it is the assignee of the entire right, title and interest in the patent application entitled: COMPOSITE ARRAYS UTILIZING MICROSPHERES WITH A HYBRIDIZATION CHAMBER having named inventors John R. Stuelpnagel, Mark S. Chee, and Steven R. Auger by virtue of an assignment from the inventors of the patent application, for which a copy thereof is attached. The undersigned, whose title is supplied below, is authorized to act on behalf of the assignee.

January 28, 2004

Date

Noemi C. Espinosa

Vice President, Intellectual Property



# UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

JULY 31, 2001

PTAS

FLEHR HOHBACH TEST ALBRITTION & HERBERT ROBIN M. SILVA, ESQ 4 EMBARCADERO CENTER, SUITE 3400 SAN FRANCISCO, CA 94111-4187



\*101718996A\*

# UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/10/2001

REEL/FRAME: 011793/0895 NUMBER OF PAGES: 11

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

STUELPNAGEL, JOHN R.

DOC DATE: 04/21/2001

ASSIGNOR:

CHEE, MARK S.

DOC DATE: 04/23/2001

ASSIGNOR:

AUGER, STEVEN R.

DOC DATE: 04/23/2001

ASSIGNOR:

WANG, GAN G.

DOC DATE: 04/20/2001

ASSIGNOR:

CASAS, LAURA S.

DOC DATE: 04/20/2001

ASSIGNOR:

BAKER, SHAWN CHRISTOPHER

DOC DATE: 04/24/2001

ASSIGNOR:

KAIN, ROBERT C.

DOC DATE: 04/19/2001

011793/0895 PAGE 2

ASSIGNEE:

ILLUMINA, INC. 9390 TOWNE CENTRE DRIVE SUITE 200 SAN DIEGO, CALIFORNIA 92121

SERIAL NUMBER: 09606369

PATENT NUMBER:

FILING DATE: 06/28/2000

ISSUE DATE:

JEFFREY OLSEN, EXAMINER ASSIGNMENT DIVISION OFFICE OF PUBLIC RECORDS

HEET

U.S. DEPARTMENT OF COMMERCE

**FORM PTO-1595** Patent and Trademark Office 1-31-92 101718996 d documents or copy thereof. To the Honorable Commissioner of Patents and 'A 2. Name and address of receiving party(ies): 1. Name of conveying party(ies): Internal Address: Illumina, Inc. John R. STUELPNAGEL, Mark S. CHEE, Steven R. AUGER, Gan G. WANG, Laura S. CASAS, Shawn Christopher BAKER, Robert C. KAIN **-10** 2000 Additional name(s) of conveying [x] No [] Yes party(ies) attached? Street Address: 9390 Towne Centre Drive, Suite 200 3. Nature of Conveyance: City: San Diego [] Merger [x] Assignment State: California Zip Code: [] Change of Name [] Security Agreement Execution Dates: 4/21//01, 4/23/01,4/23/01, 4/20/01, Additional name(s) & address(es) attached? [] Yes [x] No 4/20/01, 4/24/01, 4/19/0 4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: 09/606,369 B. Patent No.(s) A. Patent Application No.(s): Additional numbers attached? [] Yes X No 6. Total number of applications 5. Name and address of party to whom correspondence concerning and patents involved: document should be mailed: Robin M. Silva, Esq Name: Internal Address: FLEHR HOHBACH TEST [x] Enclosed ALBRITTON & HERBERT LLP Authorized to be charged to deposit account 8. Deposit account number: 06-1300 Street Address: \_SUITE 3400 Please debit any underpayment or credit any overpayment FOUR EMBARCADERO CENTER to the above deposit account. Our Order No. A-67493-3/DJB/RMS/DCF SAN FRANCISCO City: (Attach duplicate of this page if paying by deposit account) Zip: 94111-4187 State: CA DO NOT USE THIS SPACE 00000270 09606369

05/15/2001 DBYRNE

01 FC558 tatement and signature 40.00 0P

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

David C. Foster, Reg. No. 44,685 for Robin M. Silva, Reg. No. 38,304 Name of Person Signing

May 7, 200[

Total number of pages including cover sheet, attachments and document: [11]

OMB No. 0651-0011 (exp. 4/94)

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Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks **Box Assignments** Washington, DC 20231

# ASSIGNMENT (NOT ACCOMPANYING APPLICATION)

WHEREAS, the undersigned, John R, Stuelpnagel, resident of Encinitas, County of San Diego, State of California; Mark S. Chee, resident of Del Mar, County of San Diego, State of California; Steven R. Auger, resident of Norwell, County of Plymouth, State of Massachusetts; Gan G. Wang, resident of San Diego, County of San Diego, State of California; Laura S. Casas, resident of Chula Vista, County of San Diego, State of California, Shawn Christopher Baker, resident of San Diego, County of San Diego, State of California, and Robert C. Kain, resident of Del Mar, County of San Diego, State of California (hereinafter termed "Inventors"), have invented certain new and useful improvements in COMPOSITE ARRAYS UTILIZING MICROSPHERES WITH A HYBRIDIZATION CHAMBER and has executed an application for a United States patent disclosing and identifying this invention and having Serial No. 09/606,369 and a filing date of June 28, 2000; and

WHEREAS, Illumina, Inc., a corporation of the State of California, having a place of business at 9390 Towne Centre Drive, Suite 200, San Diego, 92121, State of California, (hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventors' certificates and other forms of protection, including any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications, and every reissue or extensions of any of said patents (hereinafter termed "Patent Rights").

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

- 1. Said Inventors do each hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to all Patent Rights.
- 2. Said Inventors hereby agree that each will, at Assignee's expense, (a) cooperate with Assignee in the prosecution and enforcement of the Patent Rights, and (b) execute, verify, testify, acknowledge and deliver all such further facts and documents, including applications, petitions, declarations, oaths and instruments of transfer necessary.
- The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives and assigns.

4. Said inventors each warrant and represent that he has not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have executed and delivered this instrument to said Assignee as follows:

Date: April 21, 2001  John R. Stuelpnagel
County of San Diego, ) ) ss.
State of California. )
On this 2/3 day of April, in the year 2001, before me, Carmulat tasked appeared John R. Stuelpnagel, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the personated, executed the carmetal haskell instrument.  WITNESS my hand and official seal.  Signature Carmeta Haskell (seal)
Date: April 23, 2001  Mart S. Phoe
Mark 3. Office
County of San Diego, ) ) ss.
State of California. )
On this 23 day of April, in the year 2001, before me, Carmela Haskeld appeared Mark S. Chee, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.
WITNESS my hand and official seal.  Signature Archell  CARMELA HASKELL Commission # 1185583 Notary Public - Callifornia Sampa Clara County My 887 M. Brothes May 31, 2002

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,						
.'	Date: April , 2001					
		•	Steven R. Au	ıger		
	County of	)				
	State of Massachusetts	) ss. )				
-	On this day o				· .	
	appeared Steven R. Aug subscribed to the within his authorized capacity, the entity upon behalf of	ger, personally instrument, an and that by his	id acknowledge s signature on th	be the person that he execute the instrument	n whose name uted the same the person, or	e in
	WITNESS my ha	nd and official	seal.			
	Signature		· <del>-</del>	(seal)		• .
41						
	••					
**************************************	Date: April <u>20</u> , 2001		Gan G. Wan			
			Gan G. Wan	g		
∹	County of San Diego,	) ) ss.		•		٠.
	State of California.	)	•	,		•
	On this 204 day of	of April, in the y	ear 2001, befor	re me, <u>Carn</u> f California, pe	<u>ne<i>la Haske</i></u> ersonally	<u>://</u>
v v v v v v v v v v v v v v v v v v v	appeared Gan G. Wang	, personally kn	own to me to be	e the person w	/hose name is	; 
	subscribed to the within his authorized capacity, the entity upon behalf of	and that by his	s signature on th	ne instrument	the person, or	∌ IN <b>"{</b>
	WITNESS my ha		]2	Comm Notary Sant	nission # 1185583 Public - California a Clara County	Z Z
	Signature Carmelas	Laskell	_ 1	My Comm	n. Expires May 31, 2002	1

Date: April <u>20</u> , 2001	Laura S. Ca	asas
County of San Diego,	) ) ss.	
State of California.	)	
On this 2014 day of	April, in the year 2001, before Notary Public of the State	ore me, <u>Carmela Haskell</u> of California, personally
appeared Laura S. Casas subscribed to the within in his authorized capacity, a	s, personally known to me to nstrument, and acknowledge nd that by his signature on which the person acte it, executed and official seal.	be the person whose name is ed that he executed the same in the instrument the person, or
Date: April <u>Հ ՙ</u> , 2001	Shawn Chr	istopher Baker
County of San Diego,	) ) ss.	
State of California.	)	
	April, in the year 2001, before, Notary Public of the State oher Baker, personally know	ore me, <u>Carmela Haskell</u> of California, personally on to me to be the person
whose name is subscribe executed the same in his instrument the person, or	d to the within instrument, a authorized capacity, and th	and acknowledged that he
the instrument.  WITNESS my hand		CARMEIA HASKEI. Commission # 1185583 Notary Public - California Santa Clara County
Signature ( armo la	Jaske II	My Comm. Expires May 31, 2002

v

Date: April <u>\                                   </u>	Robert C. Kain
County of San Diego,	) ) es
State of California.	) ss. )
	April, in the year 2001, before me, <u>Carmela Haskel</u> , Notary Public of the State of California, personally
appeared Robert C. Kain subscribed to the within in his authorized capacity, a	, personally known to me to be the person whose name is astrument, and acknowledged that he executed the same in that by his signature on the instrument the person, or which the person acted, executed the instrument.

WITNESS my hand and official seal. Signature Carmela Haskell

(seal) CARMELA HASKEL
Commission # 1185583
Notary Public - California
Santa Clara County
My Comm. Expires May 31;2002

A-67493-3/DJB/RMS/DCF

#### (NOT ACCOMPANYING APPLICATION)

WHEREAS, the undersigned, John R, Stuelpnagel, resident of Encinitas, County of San Diego, State of California; Mark S. Chee, resident of Del Mar, County of San Diego, State of California; Steven R. Auger, resident of Norwell, County of Plymouth, State of Massachusetts; Gan G. Wang, resident of San Diego, County of San Diego, State of California; Laura S. Casas, resident of Chula Vista, County of San Diego, State of California, Shawn Christopher Baker, resident of San Diego, County of San Diego, State of California, and Robert C. Kain, resident of Del Mar, County of San Diego, State of California (hereinafter termed "Inventors"), have invented certain new and useful improvements in COMPOSITE ARRAYS UTILIZING MICROSPHERES WITH A HYBRIDIZATION CHAMBER and has executed an application for a United States patent disclosing and identifying this invention and having Serial No. 09/606,369 and a filing date of June 28, 2000; and

WHEREAS, Illumina, Inc., a corporation of the State of California, having a place of business at 9390 Towne Centre Drive, Suite 200, San Diego, 92121, State of California, (hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventors' certificates and other forms of protection, including any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications, and every reissue or extensions of any of said patents (hereinafter termed "Patent Rights").

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

- 1. Said Inventors do each hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to all Patent Rights.
- 2. Said Inventors hereby agree that each will, at Assignee's expense, (a) cooperate with Assignee in the prosecution and enforcement of the Patent Rights, and (b) execute, verify, testify, acknowledge and deliver all such further facts and documents, including applications, petitions, declarations, oaths and instruments of transfer necessary.
- The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives and assigns.

will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have xecuted and delivered this instrument to said Assignee as follows:

Date: April , 2001		gir w		
	Joh	n R. Stuelpna	gel	
County of San Diego,	)	•	·	
State of California.	) ) ss. )			•
On this day of A	pril, in the year 20	01, before me	'	
appeared John R. Stuelphaname is subscribed to the same in his authorized capperson, or the entity upon linstrument.	within instrument, a acity, and that by h	own to me to b and acknowled his signature o	be the person Iged that he e In the instrume	whose xecuted the ent the
WITNESS my hand	and official seal.	•		
Signature		· .	(seal)	*
Date: April , 2001	Ma	rk S. Chee		
County of San Diego,	)			
State of California.	) ss. )			
On this day of A	April, in the year 20 Notary Public of the	01, before me	fornia nerson	ally
appeared Mark S. Chee, p subscribed to the within ins his authorized capacity, an the entity upon behalf of w	ersonally known to strument, and ackn d that by his signa hich the person ac	me to be the owledged that ture on the ins	person whose the executed trument the p	e name is the same ir erson, or
WITNESS my hand	and official seal.	• .	٠.	v
Signature	<del></del>		(seal)	•

		M.			
Date: April <u>23</u> , 2001	Steven R. A	uger			
County of <u>Plymouth</u> ) ) ss. State of Massachusetts )					
On this 23 day of April, in the year appeared Steven R. Auger, personally subscribed to the within instrument, and his authorized capacity, and that by his the entity upon behalf of which the personal subscribed to the within instrument.	of the State of known to me to acknowledge signature on t	of <del>California'</del> , o be the per ed that he ex he instrume	personal son whose ecuted the nt the per	iy → Maq e name i e same i	sachusetts is in
WITNESS my hand and official s	eal.				
Signature May Markey  My Composition (Expires)  MARCH 15 2007	L'	(sea	)		
Date: April, 2001				<del></del>	
	Gan G. War	ng .			•
County of San Diego, )	•				
) ss. State of California.					·
On this day of April, in the year period appeared Gan G. Wang, personally known subscribed to the within instrument, and his authorized capacity, and that by his the entity upon behalf of which the personal period capacity.	of the State of the to be a control of the control	of California, e the persor ed that he ex he instrume	n whose n recuted th nt the per	ame is e same i	- in
WITNESS my hand and official s	eal.			•	
Signature		(sea	1)		
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year 2001, blic of the S known to r nd acknow is signature rson acted	itate of Ca me to be rledged the e on the i	alifornia, p the perso at he exe nstrument	n whose i cuted the t the pers	name is same in
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Date: April, 2001	
	Robert C. Kain
County of San Diego, ) ) ss.	
State of California. ) ss.	
appeared Robert C. Kain, personally k	rear 2001, before me, ic of the State of California, personally nown to me to be the person whose name is d acknowledged that he executed the same in
	s signature on the instrument the person, or
WITNESS my hand and official	seal.
Signature	_ (seal)
	· · · · · · · · · · · · · · · · · · ·

A-67493-3/DJB/RMS/DCF

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

		•				
Му гез	sidence, post off	ice address a	nd citizenship are as stated	below next	t to my name.	
and jo	oint inventor (if	plural names the invention	nd sole inventor (if only one are listed below) of the sub- entitled <u>COMPOSITE ARRAYS L</u> h	oject matter	r which is clai	med and for which
	(check	is attached	hereto.			
	one)	use filed on	<u>June 28, 2000</u> as			
	X		Serial No09/606,369			
		• •	amended on			•
			(if applicabl	e)		
I here	tability as defineby claim foreign patent or inventor	ed in 37 C.F. oriority benef	e to the Patent Office all R. 1.56. its under Title 35, United Sta te listed below and have als e having a filing date befor	ates Code, § o identifie	119 of any fore	ign application(s preign applicatio
	Prior Foreign A	nnlication(s)		Priority	Claimed	
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	PCT/US99/31022	PCT	28 December 1999	X	. 📙 .	
	(Number)	(Country)	(Day/Month/Year Filed)	Yes	No	•
	(Number)	(Country)	(Day/Month/Year Filed)	Yes	No	:
	(Number)	(Country)	(Day/Month/Year Filed)	Yes-	· No	

I hereby claim the benefit under Title 35, United States Code, §120 and §119 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

•	•	
09/473.904	December 28, 1999	Pending
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
09/256,943	February 24, 1999	Pending
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
60/113,968	December 28, 1998	Abandoned (Status)

I hereby appoint the fol...ing attorneys to prosecute this application ind to transact all business in the Patent and Trademark Office connected therewith: Harold C. Hohbach, Reg. No. 17,757; Aldo J. Test, Reg. No. 18,048; Donald N. MacIntosh, Reg. No. 20,316; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Robert B. Chickering, Reg. No. 24,286; Richard F. Trecartin, Reg. No. 31,801; Steven F. Casérza, Reg. No. 29,780; Edward N. Bachand, Reg. No. 37,085, R. Michael Ananian, Reg. No. 38,050, Robin M. Silva, Reg. No. 38,304; Michael A. Kaufman, Reg. No. 32,988; Maria S. Swiatek, Reg. No. 37,244; Todd A. Lorenz, Reg. No. 39,754; provided that if any one of said attorneys ceases being affiliated with the law firm of Flehr, Hohbach, Test, Albritton & Herbert as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Direct all telephone calls to <u>Robin M. Silva</u> at (415) 781-1989.

Address all correspondence to:

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP
Suite 3400, Four Embarcadero Center
San Francisco, California 94111

File No. A-67493-3/DJB/RMS/DCF

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name first	
inventor:	John R. Styelphagel
Inventor's signature:	Stu KStue prices
Date:	4/2//01 /
Residence:	Encinitas, CA
Citizenship:	USA
Post Office Address:	38 Briggs Avenue, Encinitas, CA 92024
Full name of second	
inventor:	Mank S. Chee
Inventor's signature:	Ways the
Date:	1 4 02/61
Residence:	Bel Mar, CA
Citizenship:	Australia
Post Office Address:	155 15th Street, No. 24, Del Mar, CA 92014
rull mame of third	
Full name of third inventor:	Steven R. Auger
***************************************	Steven R. Augei
Inventor's signature:	
Date:	Name II MA
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## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled <a href="COMPOSITE ARRAYS UTILIZING MICROSPHERES WITH A HYBRIDIZATION CHAMBER">COMPOSITE ARRAYS UTILIZING MICROSPHERES WITH A HYBRIDIZATION CHAMBER</a>, the specification of which

check		is attached hereto.	
one)	X	was filed on <u>June 28.</u> Application Serial No.	
•		and was amended on _	(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign A	pplication(s)	•	<u>Priority</u>	Claimed
PCT/US99/31022	PCT	28 December 1999	X	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No ·
•				
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 and §119 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

	December 28, 1999	Pending
09/473,904 (Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
09/256,943	February 24, 1999	Pending
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
60/113,968	December 28, 1998	Abandoned
(Application Serial No.)	(Filing Date)	(Status)
,	•	(patented, pending, abandoned)

I hereby appoint the fo'ing attorneys to prosecute this applicatio do transact all business in the Patent Trademark Office connected therewith: Har C. Hohbach, Reg. No. 17,757; Aldo J. Test, Reg. No. 18,048; Donald N. MacIntosh, Reg. No. 20,316; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Robert B. Chickering, Reg. No. 24,286; Richard F. Trecartin, Reg. No. 31,801; Steven F. Caserza, Reg. No. 29,780; Edward N. Bachand, Reg. No. 37,085, R. Michael Ananian, Reg. No. 38,050, Robin M. Silva, Reg. No. 38,304; Michael A. Kaufman, Reg. No. 32,988; Maria S. Swiatek, Reg. No. 37,244; Todd A. Lorenz, Reg. No. 39,754; provided that if any one of said attorneys ceases being affiliated with the law firm of Flehr, Hohbach, Test, Albritton & Herbert as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

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#### File No. A-67493-3/DJB/RMS/DCF

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's signature:  Date:  Residence:  Citizenship:  Post Office Address:  Full name of second inventor:  Inventor's signature:  Date:  Residence:  Citizenship:  Post Office Address:  Del Mar. CA  Citizenship:  Post Office Address:  Del Mar. CA  Steven R. Auger  Inventor's signature:  Date:  Full name of third inventor:  Inventor's signature:  Date:  Date:  Steven R. Auger  Date:	Full name first	John R. Stuelpnagel
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